

Notice of Allowability

Application No.

09/398,170

Examiner

Frantzy Poinvil

Applicant(s)

NOTANI, RANJIT N.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The Appeal Brief filed 1/4/2005.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

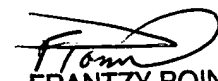
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


FRANTZY POINVIL
PRIMARY EXAMINER
A-11 36 28

DETAILED ACTION

Allowable Subject Matter

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

As per claim 1, line 3, "a" before product has been changed to - -one or more- - .

As per claim 5, line 5, "the updated" has been changed to - -updating- -.

As per claim 17, line 7, "a" has been changed to - -the- -.

Claim 19 has been replaced with

- - 19. A system comprising:

a processor; and

a procurement manager operable to be executed on the processor of a buyer computer,
the procurement manager comprising:

a forecast module operable to determine the buyer's range of forecasted demand for one
or more product;

a negotiation module operable to communicate to a seller computer an offer to enter into
an option contract for the supply of a product, the option contract including a proposed option
corresponding to the range of forecasted demand, the negotiation module further operable to
receive from the seller computer a modified range of forecasted demand, to communicate the
modified range of forecasted demand to the forecast module, and to receive from the forecast
module a compromised range of forecasted demand;

an execution module operable to execute an option contract including an option
corresponding to the compromised range of forecasted demand; and

an exercise module operable to:

receive from the forecast module an indication of current buyer demand for
the product;

determine whether the indicated current buyer demand exceeds a maximum
option quantity specified in the option contract; and

if the indicated current buyer demand does not exceed the maximum option

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quantity specified in the option contract, communicate to the seller computer a request to exercise at least a portion of the option based at least in part on the indicated current buyer demand. - -

Claim 28 has been replaced with

-- 28. A system comprising:

a processor; and

a supply manager operable to be executed the processor of a seller computer, the supply manager comprising;

a forecast module operable to determine the seller's range of forecasted supply capacity for one or more product;

a negotiation module operable to receive from a buyer computer an offer to enter into an option contract for the supply of a product, the option contract including a proposed option corresponding to a range of forecasted demand;

an execution module operable to execute the option contract and to store the terms of the option contract in a memory accessible to the seller computer; and

a tracking module operable to receive, from the buyer computer, a request to exercise at least a portion of the option; and

in response to receiving the request;

access the stored terms of the option contract; and

using the stored terms of the option contract;

determine whether an option period specified in the option contract has begun;

if the option period has not yet begun, notify the buyer computer

that the request is premature; and

if the option period has begun:

determine whether the request specifies a request quantity exceeds a maximum option quantity specified in the option contract;

if the request quantity exceeds the maximum option quantity, notify the buyer computer that the request is improper; and

if the request quantity does not exceed the maximum option quantity, storing the request system for seller compliance. - -

Authorization for this examiner's amendment was given in a telephone interview with Brian Harris on 5/11/2006.

2. The following is an Examiner's Statement of Reasons for Allowance:

The prior art taken alone or in combination fails to teach or suggest:

Automatically and without user input subsequent to determining at the buyer computer whether the indicated current buyer demand exceeds the maximum option quantity specified in the option contract, if the indicated current buyer demand does not exceed the maximum option quantity specified in the option contract, communicating from the buyer computer to the seller computer a request to exercise at least a portion of the option based at least in part on the indicated current buyer demand as recited in independent claim 1.

In response to receiving the request accessing the stored terms of the option contract and using the stored terms of the option contract for determining whether an option period specified in the option contract has begun and if so performing a determining function as recited in independent claim 12.

An execution module operable to execute an option contract including an option corresponding to the compromised range of forecasted demand and an exercise module as recited independent claim 19.

In response to receiving the request: access the stored terms of the option contract and using the stored terms of the option contract to determine whether an option period specified in the option has begun and if the option period has begun, determine whether the request specifies

a request quantity that exceeds a maximum option quantity specified in the option contract as recited in independent claim 28.

“Concentra and i2 Technologies to integrate sales configuration with global supply chain management; Product configuration recognized as critical link in intelligent global supply chain management”, Business Wire, p10101141, October 10, 1995, Dialog file 148, Accession No. 08283166.

Raina, Hari K., “Techniques for Monitoring and Administering Import Contracts”, International Trade Forum; Apr-Jun 1991; 2; ABI/INFORM Global, page 20.

Anderson, Karl, “Terms of Sales”, Journal of Marketing (pre-1986; Jan 1947; 11;, 000003; ABI/INFORM Global, page 250.

Business News Wire, Raina and Anderson taken alone or in combination failed to teach or suggest the above noted features of claims 1, 12, 19 and 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The Examiner's supervisor, Sam Sough can be reached at (571) 272-6799. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
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